

Update: Traffic Benchbook— Revised Edition, Volume 1

CHAPTER 1

Required Procedures for Civil Infractions

Part F—Civil Sanctions and Licensing Sanctions

1.34 Civil Fines

Replace the last paragraph and the bulleted list at the bottom of page 1-40 and the top of page 1-41 with the following:

Under MCL 257.907(2) and (3), the Michigan Vehicle Code sets forth the following schedule of maximum fines for certain civil infractions:

- Handicap parking violations—not less than \$100 or more than \$250 plus costs. MCL 257.674(1)(s).*
- Failure to produce evidence of insurance—not more than \$10 plus costs. MCL 257.328.
- Child restraint violations—not more than \$10 plus costs. MCL 257.710d.
- Safety belt violations—the civil fine and costs shall be \$25. MCL 257.710e.
- Failure to stop for school bus—not less than \$100 or more than \$500 plus costs. MCL 257.682.
- With the exception of civil infractions under MCL 257.319g,* civil infractions that occurred while driving a commercial motor vehicle—the civil fine shall not exceed \$250 plus costs. MCL 257.907(3).

*Effective
October 1,
2003.

*See the
October 2002
update.

1.35 Court Costs

Beginning with the second paragraph on page 1-42, replace the content of Section 1.35 with the following:

Under MCL 257.907(4), if civil fines are ordered for an infraction listed in §907(2) or (3) (violations of the Michigan Vehicle Code), a judge or district court magistrate must determine and order the defendant to pay taxable costs. The costs ordered shall not exceed \$100. Except as otherwise provided by law, costs are payable to the plaintiff's general fund. Nine dollars of any costs ordered under MCL 600.8381(1) before October 1, 2003, but collected on or after that date, shall be paid to the justice system fund created by MCL 600.181. MCL 600.8381(2)(b).

In general, the court costs imposed for a violation of a county, city, township, or village ordinance substantially corresponding to the Michigan Vehicle Code shall be paid 1/3 to the support of the political subdivision whose law was violated and 2/3 to the county in which the political subdivision is located, in districts of the first and second class. However, districts of the third class may agree to a different distribution among the political subdivisions of that district. MCL 600.8379.

1.37 Waiving Civil Fines, Court Costs, and Assessments

Replace the existing title and content of Section 1.37 on page 1-43 with the following:

“The court may waive fines, costs and fees, pursuant to statute or court rule, or to correct clerical error.” MCR 4.101(F)(4).

The court shall waive civil fines, costs, and assessments under the following circumstances:

- For defective safety equipment violations—if written under MCL 257.683, “upon receipt of certification by a law enforcement agency that repair of the defective equipment was made before the appearance date on the citation.” MCL 257.907(9).
- For child restraint violations—“if the person, before the appearance date on the citation, supplies the court with evidence of acquisition, purchase, or rental of a child seating system meeting the [statutory] requirements” MCL 257.907(12).
- For failing to produce a valid registration certificate—“upon receipt of a certification by a law enforcement agency that the person, before the appearance date on the citation, produced a valid registration certificate that was valid on the date the violation . . . occurred.” MCL 257.907(15).
- For failing to possess license while operating vehicle—“upon receipt of certification by a law enforcement agency that the person, before the appearance date on the citation, has produced his or her operator’s or chauffeur’s license and that the license was valid on the date the violation . . . occurred.” MCL 257.901a.

1.38 Assessments

Replace the content of Section 1.38 with the following text:

Beginning October 1, 2003, former assessments for the Highway Safety Fund, the Secondary Road Patrol and Training Fund, and the Michigan Justice Training Fund were collapsed into a single “justice system” assessment of \$40 for traffic-related civil infractions, except for parking violations or violations for which the fines and costs imposed totaled \$10 or less. MCL 257.629e; MCL 257.907(14); MCL 600.8381(5).

In addition to any civil fines and costs ordered for the civil infractions listed in MCL 257.907(2) and (3), “the judge or the district court magistrate shall order the defendant to pay a justice system assessment of \$40.00 for each civil infraction determination.” MCL 257.907(14). The \$40 assessment, which is not a civil fine, is deposited into the state treasury’s justice system fund created by MCL 600.181. MCL 257.629e(2); MCL 257.907(14); MCL 600.8381(5).

Beginning October 1, 2003, when fines and costs are assessed in non-traffic civil infraction actions, the judge or district court magistrate shall order a defendant to pay the state assessment required by MCL 600.8727(4) (\$10 for municipal civil infractions) and MCL 600.8827(4) (\$10 for state civil infractions), in addition to any other fines and costs ordered. MCL 600.8381(5).

Assessments ordered before October 1, 2003, but collected on or after that date must be deposited in the justice system fund. MCL 257.907(13).

1.42 Points

Insert the following language at the end of Section 1.42 at the bottom of page 1-47:

Effective October 1, 2003, 2003 PA 165 provides for the Secretary of State to impose a “driver responsibility fee” based on the number of points an individual accumulates on his or her driving record. MCL 257.732a provides the following schedule of fees:

“(1) An individual, whether licensed or not, who accumulates 7 or more points on his or her driving record pursuant to section 320a within a 2-year period for any violation not listed under subsection (2) shall be assessed a \$100.00 driver responsibility fee. For each additional point accumulated above 7 points not listed under subsection (2), an additional fee of \$50.00 shall be assessed. The secretary of state shall collect the fees described in this subsection once each year that the point total on an individual driving record is 7 points or more.”

Only points assigned after the effective date of the statute (October 1, 2003) will be used to calculate the driver responsibility fee. Points existing on a driver’s record prior to the effective date do not count. MCL 257.732a(6).

Failure to pay a driver responsibility fee within the time prescribed will result in license suspension. MCL 257.732a(3), (5).

1.43 License Suspension

Add the following text at the end of Section 1.43 on page 1-48:

Failure to pay a driver responsibility fee within the time prescribed will result in license suspension. MCL 257.732a(3), (5).

CHAPTER 2

Civil Infractions

2.2 Equipment Violations

F. Civil Sanctions for Equipment Violations

1. Standard civil sanctions for equipment violations

Replace the text in #2 and #3 (including the bulleted list) near the bottom of page 2-4 with the following:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for equipment violations, but costs shall not exceed \$100.00. MCL 257.907(4).
3. Also beginning October 1, 2003, in a traffic-related civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907, the court must order a defendant to pay a \$40 justice system fund assessment for each traffic-related civil infraction determination (except parking violations and violations for which fines and costs total \$10 or less). MCL 257.907(14).

2.3 Overtaking or Passing

D. Civil Sanctions for Overtaking or Passing Violations

1. Standard civil sanctions for overtaking or passing violations

Replace the text in #2 and #3 (including the bulleted list) in the middle of page 2-8 with the following:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for traffic civil infractions, but costs shall not exceed \$100.00. MCL 257.907(4).
3. Also beginning October 1, 2003, in a traffic-related civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907, the court must order a defendant to pay a \$40 justice system fund assessment for each traffic-related civil infraction determination (except parking violations and violations for which fines and costs total \$10 or less). MCL 257.907(14).

2.4 Parking, Stopping, or Standing

G. Civil Sanctions for Parking, Stopping, or Standing Violations

1. Standard civil sanctions for parking, stopping, or standing violations

Replace #2 at the top of page 2-14 with the following text:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for civil infractions, but costs ordered shall not exceed \$100.00. MCL 257.907(4).

Delete #3 and its bulleted list. The justice system fund assessment does not apply to parking violations. MCL 257.907(14).

2. Special civil sanction provisions for parking, stopping, or standing violations

On page 2-14, replace the sentence under this subsection with the following:

A person responsible for a handicap parking violation shall be fined not less than \$100 or more than \$250 plus costs. MCL 257.674(1)(s) and MCL 257.907(2).

2.5 Railroad Crossings

D. Civil Sanctions for Railroad Crossing Violations

1. Standard civil sanctions for railroad crossing violations

Replace the text in #2 and #3 (including the bulleted list) near the bottom of page 2-16 with the following:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for traffic civil infractions, but costs shall not exceed \$100.00. MCL 257.907(4).
3. Also beginning October 1, 2003, in a traffic-related civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907, the court must order a defendant to pay a \$40 justice system fund assessment for each traffic-related civil infraction determination (except parking violations and violations for which fines and costs total \$10 or less). MCL 257.907(14).

2.6 Right-of-Way or Failure to Yield

J. Civil Sanctions for Right-of-Way or Failure to Yield Violations

1. Standard civil sanctions for right-of-way or failure to yield violations

Replace the text in #2 and #3 (including the bulleted list) at the top of page 2-21 with the following:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for traffic civil infractions, but costs shall not exceed \$100.00. MCL 257.907(4).
3. Also beginning October 1, 2003, in a traffic-related civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907, the court must order a defendant to pay a \$40 justice system fund assessment for each traffic-related civil infraction determination (except parking violations and violations for which fines and costs total \$10 or less). MCL 257.907(14).

2.7 Safety Belt Violations

E. Civil Sanctions for Safety Belt Violations

1. Standard civil sanctions for safety belt violations

Replace the text in subsection E on pages 2-24 and 2-25 with the following:

Beginning October 1, 2003, in a civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907(2), the court must also order a defendant to pay a \$40 justice system fund assessment. MCL 257.907(14).

2.8 Speed Violations

F. Civil Sanctions for Speed Violations

1. Standard civil sanctions for speed violations

Replace the text in #2 and #3 (including the bulleted list) in the middle of page 2-30 with the following:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for traffic civil infractions, but costs shall not exceed \$100.00. MCL 257.907(4).
3. Also beginning October 1, 2003, in a traffic-related civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907, the court must order a defendant to pay a \$40 justice system fund assessment for each traffic-related civil infraction determination (except parking violations and violations for which fines and costs total \$10 or less). MCL 257.907(14).

2.9 Stop and Go, Signs and Signals

D. Civil Sanctions for Stop and Go, Sign and Signal Violations

1. Standard civil sanctions for stop and go, sign and signal violations

Replace the text in #2 and #3 (including the bulleted list) at the top of page 2-39 with the following:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for traffic civil infractions, but costs shall not exceed \$100.00. MCL 257.907(4).
3. Also beginning October 1, 2003, in a traffic-related civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907, the court must order a defendant to pay a \$40 justice system fund assessment for each traffic-related civil infraction determination (except parking violations and violations for which fines and costs total \$10 or less). MCL 257.907(14).

2.10 Turning and Signaling

H. Civil Sanctions for Turning and Signaling Violations

1. Standard civil sanctions for turning and signaling violations

Replace the text in #2 and #3 (including the bulleted list) near the top of page 2-42 with the following:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for traffic civil infractions, but costs shall not exceed \$100.00. MCL 257.907(4).
3. Also beginning October 1, 2003, in a traffic-related civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907, the court must order a defendant to pay a \$40 justice system fund assessment for each traffic-related civil infraction determination (except parking violations and violations for which fines and costs total \$10 or less). MCL 257.907(14).

2.11 Wrong Side or Wrong Way

E. Civil Sanctions for Wrong Side or Wrong Way Violations

1. Standard civil sanctions for wrong side or wrong way violations

Replace the text in #2 and #3 (including the bulleted list) near the top of page 2-45 with the following:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for traffic civil infractions, but costs shall not exceed \$100.00. MCL 257.907(4).
3. Also beginning October 1, 2003, in a traffic-related civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907, the court must order a defendant to pay a \$40 justice system fund assessment for each traffic-related civil infraction determination (except parking violations and violations for which fines and costs total \$10 or less). MCL 257.907(14).

2.12 Careless Driving

C. Civil Sanctions

1. Standard civil sanctions for careless driving

Replace the text in #2 and #3 (including the bulleted list) in the middle of page 2-46 with the following:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for traffic civil infractions, but costs shall not exceed \$100.00. MCL 257.907(4).
3. Also beginning October 1, 2003, in a traffic-related civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907, the court must order a defendant to pay a \$40 justice system fund assessment for each traffic-related civil infraction determination (except parking violations and violations for which fines and costs total \$10 or less). MCL 257.907(14).

2.13 Coasting

C. Civil Sanctions

1. Standard civil sanctions for coasting

Replace the text in #2 and #3 (including the bulleted list) near the top of page 2-48 with the following:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for traffic civil infractions, but costs shall not exceed \$100.00. MCL 257.907(4).
3. Also beginning October 1, 2003, in a traffic-related civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907, the court must order a defendant to pay a \$40 justice system fund assessment for each traffic-related civil infraction determination (except parking violations and violations for which fines and costs total \$10 or less). MCL 257.907(14).

2.14 Driving Over Fire Hose

C. Civil Sanctions

1. Standard civil sanctions for driving over fire hose

Replace the text in #2 and #3 (including the bulleted list) in the middle of page 2-49 with the following:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for traffic civil infractions, but costs shall not exceed \$100.00. MCL 257.907(4).
3. Also beginning October 1, 2003, in a traffic-related civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907, the court must order a defendant to pay a \$40 justice system fund assessment for each traffic-related civil infraction determination (except parking violations and violations for which fines and costs total \$10 or less). MCL 257.907(14).

2.15 Failing to Change Address on Registration or Title

C. Civil Sanctions

1. Standard civil sanctions for failing to change address on registration or title

Replace the text in #2 and #3 (including the bulleted list) at the bottom of page 2-50 with the following:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for traffic civil infractions, but costs shall not exceed \$100.00. MCL 257.907(4).
3. Also beginning October 1, 2003, in a traffic-related civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907, the court must order a defendant to pay a \$40 justice system fund assessment for each traffic-related civil infraction determination (except parking violations and violations for which fines and costs total \$10 or less). MCL 257.907(14).

2.16 Failing to Stop for School Bus

D. Civil Sanctions

1. Standard civil sanctions for failing to stop for a school bus

Replace the text in #2 and #3 (including the bulleted list) at the bottom of page 2-52 with the following:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for traffic civil infractions, but costs shall not exceed \$100.00. MCL 257.907(4).
3. Also beginning October 1, 2003, in a traffic-related civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907, the court must order a defendant to pay a \$40 justice system fund assessment for each traffic-related civil infraction determination (except parking violations and violations for which fines and costs total \$10 or less). MCL 257.907(14).

2.17 Following a Fire Truck Too Closely

C. Civil Sanctions

1. Standard civil sanctions for following a fire truck too closely

Replace the text in #2 and #3 (including the bulleted list) near the top of page 2-54 with the following:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for traffic civil infractions, but costs shall not exceed \$100.00. MCL 257.907(4).
3. Also beginning October 1, 2003, in a traffic-related civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907, the court must order a defendant to pay a \$40 justice system fund assessment for each traffic-related civil infraction determination (except parking violations and violations for which fines and costs total \$10 or less). MCL 257.907(14).

2.18 Interference with View, Control, or Operation of Vehicle

C. Civil Sanctions

1. Standard civil sanctions for interference with view, control or operation of vehicle

Replace the text in #2 and #3 (including the bulleted list) at the bottom of page 2-55 with the following:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for traffic civil infractions, but costs shall not exceed \$100.00. MCL 257.907(4).
3. Also beginning October 1, 2003, in a traffic-related civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907, the court must order a defendant to pay a \$40 justice system fund assessment for each traffic-related civil infraction determination (except parking violations and violations for which fines and costs total \$10 or less). MCL 257.907(14).

2.19 No Proof of Insurance

C. Civil Sanctions

1. Standard civil sanctions for no proof of insurance

Replace the text in #2 and #3 (including the bulleted list) at the top of page 2-57 with the following:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for traffic civil infractions, but costs shall not exceed \$100.00. MCL 257.907(4).
3. Also beginning October 1, 2003, in a traffic-related civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907, the court must order a defendant to pay a \$40 justice system fund assessment for each traffic-related civil infraction determination (except parking violations and violations for which fines and costs total \$10 or less). MCL 257.907(14).

2.20 No Proof of Registration

C. Civil Sanctions

1. Standard civil sanctions for no proof of registration

Replace the text in #2 and #3 (including the bulleted list) in the middle of page 2-59 with the following:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for traffic civil infractions, but costs shall not exceed \$100.00. MCL 257.907(4).
3. Also beginning October 1, 2003, in a traffic-related civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907, the court must order a defendant to pay a \$40 justice system fund assessment for each traffic-related civil infraction determination (except parking violations and violations for which fines and costs total \$10 or less). MCL 257.907(14).

2.21 Operating a Vehicle in Violation of Graduated Licensing Requirements

C. Civil Sanctions

Replace the text in #2 and #3 (including the bulleted list) in the middle of page 2-62 with the following:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for traffic civil infractions, but costs shall not exceed \$100.00. MCL 257.907(4).
3. Also beginning October 1, 2003, in a traffic-related civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907, the court must order a defendant to pay a \$40 justice system fund assessment for each traffic-related civil infraction determination (except parking violations and violations for which fines and costs total \$10 or less). MCL 257.907(14).

2.22 Failing to Change Address on Driver's License

C. Civil Sanctions

Replace the text in #2 and #3 (including the bulleted list) near the bottom of page 2-63 with the following:

2. Beginning October 1, 2003, there shall be no minimum costs imposed for traffic civil infractions, but costs shall not exceed \$100.00. MCL 257.907(4).
3. Also beginning October 1, 2003, in a traffic-related civil infraction action where fines and costs are ordered, the defendant shall be ordered to pay a justice system assessment under MCL 257.907. MCL 600.8381(5). In addition to any civil fines and costs ordered under MCL 257.907, the court must order a defendant to pay a \$40 justice system fund assessment for each traffic-related civil infraction determination (except parking violations and violations for which fines and costs total \$10 or less). MCL 257.907(14).

CHAPTER 3

Misdemeanor Traffic Offenses

Part A—Introduction

3.6 State Minimum Costs for Misdemeanor Traffic Offenses

Insert the following new Section 3.6 and renumber other sections in this chapter accordingly:

Effective October 1, 2003, a schedule of minimum state costs was established for all misdemeanor convictions, including traffic convictions. MCL 600.8381(4), as added by 2003 PA 96, states:

“Beginning October 1, 2003, when fines and costs are assessed by a judge or district court magistrate, the defendant shall be ordered to pay costs of not less than \$45.00 for each conviction for a serious misdemeanor or a specified misdemeanor or costs of not less than \$40.00 for each conviction for any other misdemeanor or ordinance violation.”

*See Section 3.14.

“Serious misdemeanors” are listed in MCL 780.811(1)(a). The only “serious misdemeanor” discussed in this chapter is leaving the scene of a personal-injury accident, MCL 257.617a.*

Note that the definition of “serious misdemeanor” includes a violation of a local ordinance substantially corresponding to a “serious misdemeanor” and a charged felony or “serious misdemeanor” subsequently reduced or pled to as a misdemeanor.

*See Section 3.45.

“Specified misdemeanors” are misdemeanor violations of statutory provisions listed in MCL 780.901(h). The only “specified misdemeanor” discussed in this chapter is reckless driving, MCL 257.626.*

Note that the definition of “specified misdemeanor” includes a violation of a local ordinance substantially corresponding to the violation listed above.

In addition, the minimum state cost must be a condition of probation. MCL 771.3(1)(g), as added by 2003 PA 101, effective October 1, 2003.

3.7 Points

Add the following language to the end of Section 3.7 on page 3-6:

Effective October 1, 2003, 2003 PA 165 provides for the Secretary of State's imposition of a "driver responsibility fee" based on the number of points an individual accumulates on his or her driving record. MCL 257.732a provides the following schedule of fees:

"(1) An individual, whether licensed or not, who accumulates 7 or more points on his or her driving record pursuant to section 320a within a 2-year period for any violation not listed under subsection (2)* shall be assessed a \$100.00 driver responsibility fee. For each additional point accumulated above 7 points not listed under subsection (2), an additional fee of \$50.00 shall be assessed. The secretary of state shall collect the fees described in this subsection once each year that the point total on an individual driving record is 7 points or more."

Only points assigned after the effective date of the statute (October 1, 2003) will be used to calculate the driver responsibility fee. Points existing on a driver's record prior to the effective date do not count. MCL 257.732a(6).

Failure to pay a driver responsibility fee within the time prescribed will result in license suspension. MCL 257.732a(3), (5).

*MCL 257.732a(2) provides for a mandatory assessment of a fixed "driver responsibility fee" when an individual is *convicted* of the specific offenses listed, without regard to the driver's accumulation of points for those offenses. The "driver responsibility fee" under §732a(2) is discussed in relevant sections in this portion of the benchbook.

3.14 Leaving the Scene of an Accident Resulting in Personal Injury

D. Licensing Sanctions

Add the following language to subsection D on page 3-15:

Effective October 1, 2003, 2003 PA 165 provides for the Secretary of State to impose a \$1,000.00 driver responsibility fee for failing to stop and disclose identity at the scene of an accident when required by law. MCL 257.732a(2)(a)(iv). The fee shall be assessed for two consecutive years. Failure to pay a driver responsibility fee within the time prescribed will result in license suspension. MCL 257.732a(3), (5).

3.15 Leaving the Scene of an Accident Resulting in Vehicle Damage Only

C. Criminal Penalties

Add the following language to subsection C on page 3-17:

Effective October 1, 2003, 2003 PA 165 provides for the Secretary of State to impose a \$1,000.00 driver responsibility fee for failing to stop and disclose identity at the scene of an accident when required by law. MCL 257.732a(2)(a)(iv). The fee shall be assessed for two consecutive years. Failure to pay a driver responsibility fee within the time prescribed will result in license suspension. MCL 257.732a(3), (5).

3.16 Leaving the Scene of an Accident with an Attended or Unattended Vehicle

D. Licensing Sanctions

Add the following language to subsection D on page 3-18:

Effective October 1, 2003, 2003 PA 165 provides for the Secretary of State to impose a \$1,000.00 driver responsibility fee for failing to stop and disclose identity at the scene of an accident when required by law. MCL 257.732a(2)(a)(iv). The fee shall be assessed for two consecutive years. Failure to pay a driver responsibility fee within the time prescribed will result in license suspension. MCL 257.732a(3), (5).

3.20 Driving With an Invalid License

D. Licensing Sanctions

Add the following language on page 3-22 to subsection D:

Effective October 1, 2003, 2003 PA 165 provides for the Secretary of State to impose a \$150.00 driver responsibility fee for a conviction of MCL 257.301. MCL 257.732a(2)(c)(i). The fee shall be assessed for two consecutive years. Failure to pay a driver responsibility fee within the time prescribed will result in license suspension. MCL 257.732a(3), (5).

3.31 Producing False Evidence of Motor Vehicle Insurance

D. Licensing Sanctions

Add the following language to subsection D at the top of page 3-37:

Effective October 1, 2003, 2003 PA 165 provides for the Secretary of State to impose a \$150.00 driver responsibility fee for a conviction of MCL 257.328. MCL 257.732a(2)(c)(ii). The fee shall be assessed for two consecutive years. Failure to pay a driver responsibility fee within the time prescribed will result in license suspension. MCL 257.732a(3), (5).

3.45 Reckless Driving

D. Licensing Sanctions

Add the following new #5 to the list on page 3-58:

5. Effective October 1, 2003, 2003 PA 165 provides for the Secretary of State to impose a \$500.00 driver responsibility fee for a conviction of MCL 257.626. MCL 257.732a(2)(b)(ii). The fee shall be assessed for two consecutive years. Failure to pay a driver responsibility fee within the time prescribed will result in license suspension. MCL 257.732a(3), (5).

CHAPTER 4

Off Road Vehicles

Part A—An Overview of the ORV Act

4.8 Penalty Provisions in ORV Act

C. State Minimum Costs and Justice System Assessment

Insert the following new subsection on page 4-11:

Effective October 1, 2003, a schedule of minimum state costs was established for all misdemeanor convictions, including traffic convictions. MCL 600.8381(4), as added by 2003 PA 96, states:

“Beginning October 1, 2003, when fines and costs are assessed by a judge or district court magistrate, the defendant shall be ordered to pay costs of not less than \$45.00 for each conviction for a serious misdemeanor or a specified misdemeanor or costs of not less than \$40.00 for each conviction for any other misdemeanor or ordinance violation.”

*See Section 6.21.

“Specified misdemeanors” are misdemeanor violations of statutory provisions listed in MCL 780.901(h). The only “specified misdemeanor” discussed in this chapter is operating an off-road vehicle while intoxicated or visibly impaired, MCL 324.81134(1) and (2) and MCL 324.81135.*

Note that the definition of “specified misdemeanor” includes violation of a local ordinance substantially corresponding to the violation noted above.

In addition, the minimum state cost must be a condition of probation. MCL 771.3(1)(g), as added by 2003 PA 101, effective October 1, 2003.

Beginning October 1, 2003, a justice system fund assessment of \$10 shall be ordered in addition to other fines and costs imposed for non-traffic state and municipal civil infractions. MCL 600.8727(4) and MCL 600.8827(4).

4.17 Operation of ORVs While Intoxicated or Impaired

B. Operating an ORV While Under the Influence of an Intoxicating Liquor or Controlled Substance

Insert the following language after the **DNR Note** near the top of page 4-26:

Effective October 1, 2003, 2003 PA 165 provides for the Secretary of State to impose a \$1,000.00 driver responsibility fee for a conviction of MCL 324.81134 or a substantially corresponding local ordinance. MCL 257.732a(2)(a)(iii). The fee shall be assessed for two consecutive years. Failure to pay a driver responsibility fee within the time prescribed will result in license suspension. MCL 257.732a(3), (5).

CHAPTER 5

Snowmobiles

Part A—An Overview of the Snowmobile Act

5.8 Penalty Provisions in the Snowmobile Act

Insert the following new text on page 5-9 immediately before the beginning of Part B:

State minimum costs and justice system assessment. Effective October 1, 2003, 2003 PA 96 established state minimum costs of \$45 for “serious” and “specified misdemeanor” convictions, and state minimum costs of \$40 for all other misdemeanor convictions and ordinance violations. MCL 600.8381(4).

*See Section 5.19.

“Specified misdemeanors” are misdemeanor violations of statutory provisions listed in MCL 780.901(h). The only “specified misdemeanor” discussed in this chapter is operating a snowmobile while intoxicated or visibly impaired, MCL 324.82127(1) and (3).*

Note that the definition of “specified misdemeanor” includes violation of a local ordinance substantially corresponding to the violation noted above.

In addition, the minimum state cost must be a condition of probation. MCL 771.3(1)(g), as added by 2003 PA 101, effective October 1, 2003.

*See Section 5.8 for information about state civil infractions involving snowmobiles.

Beginning October 1, 2003, a justice system fund assessment of \$10 shall be ordered in addition to other fines and costs imposed for non-traffic state and municipal civil infractions.* MCL 600.8727(4) and MCL 600.8827(4).

CHAPTER 6

Marine Vessels and Personal Watercraft (PWC)

Part A—An Overview of the Marine Safety Act

6.9 Penalty Provisions in Marine Safety Act

Add the following language to Section 6.9 on page 6-11:

State minimum costs and justice system assessment. Effective October 1, 2003, 2003 PA 96 established state minimum costs of \$45 for “serious” and “specified misdemeanor” convictions, and state minimum costs of \$40 for all other misdemeanor convictions and ordinance violations. MCL 600.8381(4).

“Serious misdemeanors” are listed in MCL 780.811(1)(a). The only “serious misdemeanor” discussed in this chapter is operating a vessel while under the influence of or impaired by intoxicating liquor or a controlled substance, or with an unlawful bodily alcohol content, MCL 324.80176(1) and (3), if the violation involves an accident resulting in damage to another individual’s property or physical injury or death to another individual.*

*See Section 6.21(D) and (E).

Note that the definition of “serious misdemeanor” includes a violation of a local ordinance substantially corresponding to a “serious misdemeanor,” and a charged felony or serious misdemeanor subsequently reduced or pled to as a misdemeanor.

“Specified misdemeanors” are misdemeanor violations of statutory provisions listed in MCL 780.901(h). The only “specified misdemeanor” discussed in this chapter is operating a vessel while intoxicated or visibly impaired, MCL 324.80176(1) and (3).*

*See Section 6.21.

Note that the definition of “specified misdemeanor” includes a violation of a local ordinance substantially corresponding to the violation noted above.

In addition, the minimum state cost must be a condition of probation. MCL 771.3(1)(g), as added by 2003 PA 101, effective October 1, 2003.

Beginning October 1, 2003, a justice system fund assessment of \$10 shall be ordered in addition to other fines and costs imposed for non-traffic state and municipal civil infractions. MCL 600.8727(4) and MCL 600.8827(4).

CHAPTER 6

Marine Vessels and Personal Watercraft (PWC)

Part C—Special Requirements for Personal Watercraft (PWC)

6.24 Penalty Provisions in Personal Watercraft Safety Act

Add the following language to Section 6.24 on page 6-33:

State minimum costs and justice system assessment. Effective October 1, 2003, 2003 PA 96 establishes a schedule of minimum state costs for all misdemeanor convictions. MCL 600.8381(4), as added by 2003 PA 96, states:

“Beginning October 1, 2003, when fines and costs are assessed by a judge or district court magistrate, the defendant shall be ordered to pay costs of not less than \$45.00 for each conviction for a serious misdemeanor or a specified misdemeanor or costs of not less than \$40.00 for each conviction for any other misdemeanor or ordinance violation.”

The Personal Watercraft Safety Act does not include any “serious misdemeanors” or “specified misdemeanors.” Thus, the minimum state costs for the offenses discussed in this part of Chapter 6 are \$40.00.

In addition, the minimum state cost must be a condition of probation. MCL 771.3(1)(g), as added by 2003 PA 101, effective October 1, 2003.

Beginning October 1, 2003, a justice system fund assessment of \$10 shall be ordered in addition to other fines and costs imposed for non-traffic state and municipal civil infractions. MCL 600.8727(4) and MCL 600.8827(4).